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Lynn Holm-Blagg

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EXAMINER

AKINTOLA, OLABODE

ART UNIT

PAPER NUMBER

3691

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DELIVERY MODE

08/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/025,092	Applicant(s) HOLM-BLAGG ET AL.	
	Examiner OLABODE AKINTOLA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-11 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-11 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/6/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “wherein the *credit product* is different from the second credit product”. It is not clear which of the credit products “*credit product*” refers to. Clarification is requested.

Examiner interprets “the *credit product*” to be the first credit product.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Flitcroft et al. (US 6636833) (“Flitcroft”).

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Re claim 1: Flitcroft teaches a method of accessing usage parameters associated with a financial transaction account, which comprises the steps of: establishing a first credit card account of a first credit product with a holder of the first account (Figs. 4 and 5, RNs {402 and 502}); establishing a second credit card account with of a second credit product a holder of the second account, wherein the credit product is different from the second credit product (Figs. 4 and 5, RNs {402 and 502}, col. 6, lines 32-49); issuing a presentation instrument associated with said first account (Fig. 5, RN {512}); establishing an initial set of product usage parameters for said first account (col. 16, lines 20-23); providing control of said product usage parameters to the holder of the first account (Figs. 4-6, col. 16, lines 15-23, col. 30, lines 18-19); submitting modified product usage parameters by the holder of the first account (col. 16, lines 26-30); establishing product usage criteria by a card processing and service provider or a card issuer (col. 16, lines 15-18); comparing the submitted product usage parameter modifications with the usage criteria (col. 16, lines 31-34); if the submitted product usage parameters comply with said usage criteria, implementing same in connection with the account (col. 16, lines 31-34); and rejecting the submitted product usage parameters if same do not comply with the usage criteria (col. 16, lines 31-34; col. 18, lines 56-57, col. 23, lines 28-29).

Re claim 2: Flitcroft teaches the step wherein said account comprises a first account, and wherein the method further comprises: forming a group with said first account and said second account (col. 6, lines 45-52).

Re claim 3: Flitcroft teaches designating the first account as a key account; providing primary

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product usage parameters for said key account; designating the second account as a dependent account; providing dependent product usage parameters for said dependent account; and providing the holder of said key account with access to and control over the product usage parameters associated with said dependent account (Figs. 4-6, col. 16, lines 15-34).

Re claim 4: Flitcroft teaches creating group master data financial records associated with said group (col. 18, lines 64-67).

Re claim 7: Flitcroft teaches the step wherein said product usage parameters include ranges of time during which said presentation instrument can be utilized, geographic restrictions on the usage of said presentation instrument and restrictions on the types of goods and services which can be purchased with said presentation instrument (col. 25, lines 37-39).

Re claim 8: Flitcroft teaches establishing a credit line for said group with a group credit limit; establishing a dependent credit line for said dependent account with a dependent account credit limit; and said credit limits comprising product usage parameters (Figs. 4-6, col. 16, lines 15-34, col. 4, line 59 through col. 5, line 19).

Re claim 9: Flitcroft teaches arranging for the allocation of account payments among said key and dependent accounts; and allocating account payments among said key and dependent accounts (col. 23, lines 45-46).

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Re claim 10: Flitcroft teaches providing statements for said key and dependent financial accounts; and providing the key account holder with access to the information provided in conjunction with such statements (col. 10, lines 25-37, col. 24, lines 46-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claim 3 above in view of Walker et al (US 6327573) ("Walker").

Re claim 11: Flitcroft does not explicitly teach reward points for purchases by members of a group. Walker teaches reward points for purchases by members of a group (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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Flitcroft to include this feature as taught by Walker in order to reward customers for loyalty and to create incentives for customer patronage.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claims 3 and 1 above in view of Musmanno et al (US 5826243) (“Musmanno”).

Re claim 35: Flitcroft does not explicitly teach wherein the holder of the first account is different from the holder of the second account. However, Flitcroft at col. 6, lines 45-53 teaches

“For example a *corporation* may provide many of its *employees* with *credit cards* but essentially each of these employees holds a master credit card even if there is only *one customer account*.

Each of these master credit cards will have a unique master credit card number, which set of master credit card numbers will be linked to the account. Similarly, in *families*, various *members of the family* may hold a master credit card all of which are paid for out of the *one customer account*”. (Emphasis added).

Musmanno, in the same field of arts, teaches establishing a first account with a holder of the first account; establishing a second account with a holder of the second account, wherein the holder of the first account is different from the holder of the second account (col. 2, lines 22-39, col. 3, lines 22-39, col. 4, lines 31-33). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify Flitcroft to include this feature as taught by Musmanno for the obvious reason of establishing linked sub accounts for members of a household (family).

Response to Arguments

Applicant's arguments filed 7/02/2008 have been fully considered but they are not persuasive.

Applicant argues that Flitcroft does not disclose more than one account or credit product. Examiner respectfully disagrees. Examiner interprets the steps of establishing a first credit card account of a first credit product with a holder of the first account and establishing a second credit card account with of a second credit product a holder of the second account, wherein the credit product is different from the second credit product simply as establishing different credit accounts with credit card providers. For example, the American Express ® can establish a credit account for a corporation and/or family while MasterCard® can establish another credit account for the same corporation and/or family (col. 6, lines 32-53). Moreover, there is no functional relationship between the second account and the other steps in the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691